

## Senate Bill No. 876

### CHAPTER 838

An act to amend Sections 42807, 42808, 42845, 42849, 42885, 42889, 42889.1, 42950, 42951, 42952, 42953, 42954, 42955, 42956, 42958, 42960, 42962, 42963, and 48100 of, to add Sections 42801.5, 42801.6, 42801.7, 42803.5, 42805.5, 42805.6, 42805.7, 42806.5, 42814, 42885.5, 42889.3, and 42889.4 to, to repeal Sections 42842, 42866, and 42959 of, and to repeal and add Sections 42843 and 42961.5 of, the Public Resources Code, relating to waste and used tires.

[Approved by Governor September 28, 2000. Filed  
with Secretary of State September 29, 2000.]

#### LEGISLATIVE COUNSEL'S DIGEST

SB 876, Escutia. Waste and used tires.

(1) Existing law contains varying definitions of "waste tire" for purposes of the law governing major and minor waste tire facility permits and other laws governing tire hauler registration.

This bill would conform those definitions, and would specify that the term "waste tire" includes a repairable tire, a scrap tire, and an altered waste tire, but does not include a tire derived product, crumb rubber, or a used tire.

The bill would define the term "used tire," for purposes of those laws, as a tire that is no longer mounted on a vehicle but is still suitable for use as a vehicle tire. The bill would require that a used tire meet specified requirements and be stored in a rack or a stack, but not in a pile, in a specified manner. The bill would additionally define the terms "altered waste tire," "baled tire," "crumb rubber," "new or used motor vehicle," "repairable tire," "tire derived product," and "scrap tire" and would revise the definition of the term "minor waste tire facility."

(2) Existing law authorizes the board to suspend, deny, or revoke a waste tire facility permit, if the applicant or holder has taken specified actions.

This bill would revise the procedures for the suspension, denial, or revocation of a waste tire facility permit, including authorizing the board to suspend, deny, or revoke a waste tire facility permit for a period of up to 3 years, for a period of from 3 to 5 years, or for a period of more than 5 years, depending upon the nature of the violations.

(3) Existing law requires any person who stores, stockpiles, or accumulates waste tires in a specified manner, to clean up those waste tires or abate the effects thereof, or in the case of threatened pollution or nuisance, as defined, take other necessary remedial action, upon the order of the board. If a person fails to comply with

such order, the Attorney General is required, at the request of the board, to petition the superior court for an injunction to require compliance with that order.

This bill would additionally require the district attorney or county counsel to file such a petition and would require that the Attorney General, the district attorney, or the county counsel file the petition within 45 days of the discovery of the failure to comply with the board's order, at the request of the board, thereby creating a state-mandated local program by imposing new duties upon a district attorney or county counsel.

(4) Existing law requires every person who engages in the transportation of waste tires to hold a valid waste tire hauler registration, and requires any person engaged in the transportation of waste tires to follow specified requirements. Existing law exempts persons who haul waste tires from registration, if specified conditions are met.

This bill would additionally subject persons who haul used tires to those waste tire hauler requirements and would make conforming changes. The bill would additionally exempt from the registration requirements a person who has received a specified authorization from the enforcement agency or who complies with any additional conditions for exemption, as approved by the California Integrated Waste Management Board.

(5) Under existing law, the board is authorized to suspend, deny, or revoke a waste tire hauler registration. Existing law also provides that a person who violates the tire hauler requirements is subject to a civil penalty of up to \$10,000 for each violation and the board is authorized to impose an administrative penalty of up to \$1,000 for each violation.

This bill would revise the conditions for the suspension, denial or revocation of a waste and used tire hauler registration.

This bill would provide for the imposition of civil penalties for certain false statements or misrepresentations, increase the maximum amount of the civil penalty that may be imposed for a violation to \$25,000 for each violation, and increase the maximum amount of the administrative penalty that the board is authorized to impose to \$5,000 for each violation.

(6) Existing law requires the board to develop a waste tire manifest system for registered waste tire haulers that requires a manifest to accompany each shipment of waste tires from the point of origin to the processing, collection, storage, or disposal facility.

This bill would repeal those provisions and would instead require any person generating waste or used tires that are transported or submitted for transportation to submit a California Uniform Waste and Used Tire Manifest to the waste and used tire hauler and to submit copies of the manifest to the board. The bill would require a waste and used tire hauler to possess that manifest while transporting

waste or used tires and would require the operator of a waste or used tire facility to submit a copy of the manifest to the board and the generator. The board would be required to develop and implement a system for auditing manifests, including continuously conducting random sampling and matching of manifests.

(7) Existing law requires every person who purchases a new tire from a retail seller of new tires to pay a fee of 25¢ per tire to the seller. Existing law authorizes the retail seller to retain 10% of the fee as reimbursement for any costs associated with the collection, and requires the seller to remit the remainder to the state for deposit in the California Tire Recycling Management Fund. Under existing law, these provisions are repealed on January 1, 2001.

This bill, instead, would require a person who purchases a new tire to pay a California tire fee, would increase the fee to \$1 per tire, until December 31, 2006, and would decrease the fee, after that date, to 75¢ per tire. The bill would authorize the retailer to retain 3% of the fee as reimbursement for any costs associated with the collection. The bill would require the fee to be separately stated and would impose a civil penalty upon a person or business that knowingly, or with reckless disregard, makes a false statement or representation in connection with the collection of this fee. The bill would revise the definition of the term “new tire” for purposes of the fee, to include a new tire sold with a new or used motor vehicle. The bill would also authorize the board to impose an administrative penalty for a violation of the laws relating to tire recycling. This bill would delete the repeal of the provisions imposing this fee.

(8) This bill would require the board to adopt a 5-year plan and update that plan every 2 years, to establish goals and priorities for the waste tire program and each program element. The bill would require the board to also submit, on or before July 1, 2001, and every two years thereafter, the plan to the appropriate policy and fiscal committees of the Legislature.

The bill would require the Department of Transportation to submit an annual report, by January 1, to the Legislature and the board, on the use of waste tires in transportation and civil engineering projects.

The bill would also require the State Air Resources Board to submit an annual report, by January 1, to the Governor, the Legislature, and the board, on the air emissions from tire burning facilities.

(9) Under existing law, the money in the tire recycling fund is authorized to be expended by the board, upon appropriation in the annual Budget Act, for specified purposes concerning tire recycling, the disposal of used tires, and for a program pursuant to which grants are made to cities and counties for purposes of cleaning up and abating the effects of solid waste illegally disposed of on farm or ranch property.

This bill would require that funding for the waste tire program be appropriated consistent with the 5-year plan, as adopted and updated by the board.

This bill would limit the purposes for which the money could be expended, for purposes of the grant program, to the cleanup, abatement, or other remedial action related to the disposal of used whole tires.

The bill would require the board to provide funding to a local agency designated by the board as the enforcement authority for the storage of waste and used tires. The bill would additionally authorize up to \$150,000 be expended from the fund to the Office of Environmental Health Hazard Assessment for a report regarding the toxicity of tire fires. This bill would require that not less than \$6,500,000 be expended annually, for 6 years, for cleanup, abatement, removal, and other remedial action related to tire stockpiles throughout the state.

(10) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

*The people of the State of California do enact as follows:*

SECTION 1. The Legislature finds and declares all of the following:

(a) This state generates over 30 million waste tires annually. In addition, over 3 million tires are imported into the state each year. Of these tires, roughly 19 million are recycled annually.

(b) The state's landscape is also blighted by millions of tires illegally dumped or stockpiled. These stockpiles pose serious threats to the public health, safety, and environment, particularly when they are improperly maintained or catch fire. These negative environmental effects include habitat for pests and vectors, toxic smoke and residues, and contaminated air, water, and soil.

(c) This state has the unenviable distinction of having the largest tire problem and the lowest tire recycling fee of any state in the nation. Moreover, this state's tire recycling fee is due to sunset on January 1, 2001.

(d) Within the last 18 months, this state experienced two devastating tire fires; one at the Filbin stockpile in Westley and the

other at the Royster stockpile in Tracy. These two fires burned over 8 million tires, resulting in considerable environmental damage to the region and significant adverse impacts to local residents. These two fires also highlighted the need for additional state and local regulatory authority in the waste tire area.

(e) Without significant expansion of existing markets for waste tires, such as rubberized asphalt concrete, playground mats and other surfacing, civil engineering applications, tire derived fuel and the development of new technologies that use waste tires, the tire stockpiles, both legal and illegal, and the environmental threat they pose, will continue to grow.

(f) The California Integrated Waste Management Board's recent tire report, required by Section 42871 of the Public Resources Code, discussed the tire situation in the state, described how other states addressed their tire issues, and detailed enforcement provisions and regulatory actions needed to deal with this state's tire problem.

(g) The purpose of this act is to do all of the following:

(1) Implement many of the enforcement, market development, administrative, and technical recommendations outlined in the California Integrated Waste Management Board's recent report on California's waste tire recycling enhancement program.

(2) Encourage tire manufacturers to promote the use of retreaded and longer-lasting tires, as well as develop recycled-content rubber tires.

(3) Stimulate waste and used tire market development activities, while cleaning up existing waste tire piles and enforcing waste and used tire laws.

(4) Improve the current tire manifest system.

(5) Increase state government's procurement and use of recycled-content tire products, such as rubberized asphalt concrete, crumb rubber products, and civil engineering applications.

SEC. 2. Section 42801.5 is added to the Public Resources Code, to read:

42801.5. (a) "Altered waste tire" means a waste tire that has been baled, shredded, chopped, or split apart. "Altered waste tire" does not mean crumb rubber.

(b) "Alteration" or "altering," with reference to a waste tire, means an action that produces an altered waste tire.

SEC. 3. Section 42801.6 is added to the Public Resources Code, to read:

42801.6. "Baled tire" means either a whole or an altered tire that has been compressed and then secured with a binding material for the purpose of reducing its volume.

SEC. 4. Section 42801.7 is added to the Public Resources Code, to read:

42801.7. “Crumb rubber” means rubber granules derived from a waste tire that are less than or equal to, one-quarter inch or six millimeters in size.

SEC. 5. Section 42803.5 is added to the Public Resources Code, to read:

42803.5. “New or used motor vehicle” means any device by which any person or property may be propelled, moved or drawn upon a highway, excepting a device moved exclusively by human power or used exclusively upon stationary rails or tracks.

SEC. 6. Section 42805.5 is added to the Public Resources Code, to read:

42805.5. “Repairable tire” means a worn, damaged, or defective tire that is retreadable, recappable, or regrooveable, or that can be otherwise repaired to return the tire to its use as a vehicle tire, and that meets the applicable requirements of the Vehicle Code and Title 13 of the California Code of Regulations.

SEC. 7. Section 42805.6 is added to the Public Resources Code, to read:

42805.6. “Scrap tire” means a worn, damaged, or defective tire that is not a repairable tire.

SEC. 8. Section 42805.7 is added to the Public Resources Code, to read:

42805.7. “Tire derived product” means material that meets both of the following requirements:

(a) Is derived from a process using whole tires as a feedstock. A process using whole tires includes, but is not limited to, shredding, crumbing, or chipping.

(b) Has been sold and removed from the processing facility.

SEC. 9. Section 42806.5 is added to the Public Resources Code, to read:

42806.5. “Used tire” means a tire that meets all of the following requirements:

(a) The tire is no longer mounted on a vehicle but is still suitable for use as a vehicle tire.

(b) The tire meets the applicable requirements of the Vehicle Code and Title 13 of the California Code of Regulations.

(c) (1) The used tire is stored by size in a rack or a stack, but not in a pile, in a manner approved by the local fire marshal and vector control authorities and in accordance with the state minimum standards.

(2) A used tire stored pursuant to this section shall be stored in a manner to allow the inspection of each individual tire.

SEC. 10. Section 42807 of the Public Resources Code is amended to read:

42807. “Waste tire” means a tire that is no longer mounted on a vehicle and is no longer suitable for use as a vehicle tire due to wear, damage, or deviation from the manufacturer’s original specifications.



A waste tire includes a repairable tire, scrap tire, and altered waste tire, but does not include a tire derived product, crumb rubber, or a used tire that is organized for inspection and resale by size in a rack or a stack in accordance with Section 42806.5.

SEC. 10.5. Section 42808 of the Public Resources Code is amended to read:

42808. “Waste tire facility” means a location, other than a solid waste facility permitted pursuant to this division that receives for transfer or disposal less than 150 tires per day averaged on an annual basis, where, at any time, waste tires are stored, stockpiled, accumulated, or discarded. “Waste tire facility” includes all of the following:

(a) “Existing waste tire facility” means a waste tire facility which is receiving, storing, or accumulating waste tires, or upon which waste tires are discarded, on January 1, 1990.

(b) “Major waste tire facility” means a waste tire facility where, at any time, 5,000 or more waste tires are or will be stored, stockpiled, accumulated, or discarded.

(c) “Minor waste tire facility” means a waste tire facility where, at any time, 500 or more, but less than 5,000, waste tires are or will be stored, stockpiled, accumulated, or discarded. However, a “minor waste tire facility” does not include a tire dealer or an automobile dismantler, as defined in Sections 220 and 221 of the Vehicle Code, who stores used or waste tires on the dealer’s or dismantler’s premises for less than 90 days if not more than 1,500 total used or waste tires are ever accumulated on the dealer’s or dismantler’s premises.

SEC. 11. Section 42814 is added to the Public Resources Code, to read:

42814. (a) If approved by the board, any generator, waste and used tire hauler, or operator of a waste tire facility that is subject to the manifest requirements of Section 42961.5, may submit an electronic report to the department, in lieu of the copy of the manifest required by subdivision (b), (c), or (d) of Section 42961.5. The electronic report shall include all information required to be on the California Uniform Waste and Used Tire Manifest, and any other information required by the board.

(b) A generator, waste and used tire hauler, or operator of a waste tire facility subject to subdivision (a) may submit the electronic reports to the board on a quarterly schedule.

SEC. 12. Section 42842 of the Public Resources Code is repealed.

SEC. 13. Section 42843 of the Public Resources Code is repealed.

SEC. 14. Section 42843 is added to the Public Resources Code, to read:

42843. (a) The board, after holding a hearing in accordance with the procedures set forth in Sections 11503 to 11519, inclusive, of the Government Code, may revoke, suspend, or deny a waste tire facility

permit for a period of up to three years, if the board determines any of the following:

(1) The permit was obtained by a material misrepresentation or failure to disclose relevant factual information.

(2) The operator of the waste tire facility, during the previous three years, has been issued a final order for, failed to comply with, or has been convicted of, any of the following:

(A) One or more violations of this chapter or the regulations adopted pursuant to this chapter.

(B) One or more violations of Chapter 19 (commencing with Section 42950) or the regulations adopted pursuant to that chapter.

(C) The terms or conditions of the operator's waste tire facility permit.

(D) Any order, direction, or penalty issued by the board relating to the safe storage or processing of waste tires.

(b) If the board determines that a violation specified in paragraph (2) of subdivision (a) demonstrates a chronic, recurring pattern of noncompliance that poses, or may pose, a significant risk to public health and safety or the environment, or if the violation has not been corrected or reasonable progress toward correction has not been achieved, the board may suspend, revoke, or deny a waste tire facility permit, in accordance with the procedure specified in subdivision (a), for a period of not more than five years.

(c) If the board determines that a violation specified in paragraph (2) of subdivision (a) has resulted in significant harm to human health or the environment, the board may suspend, revoke, or deny a waste tire facility permit, in accordance with the procedure specified in subdivision (a), for a period of five years or greater.

SEC. 14.5. Section 42845 of the Public Resources Code is amended to read:

42845. (a) Any person who stores, stockpiles, or accumulates waste tires at a location for which a waste tire facility permit is required pursuant to this chapter, or in violation of the terms and conditions of the permit, the provisions of this chapter, or the regulations adopted under this chapter, shall, upon order of the board, clean up those waste tires or abate the effects thereof, or, in the case of threatened pollution or nuisance, take other necessary remedial action.

(b) Upon failure of any person to comply with the cleanup or abatement order, the Attorney General, district attorney, or county counsel, at the request of the board, shall petition, within 45 days of the discovery of that failure, the superior court for that county for the issuance of an injunction requiring the person to comply with that order. In any suit, the court shall have jurisdiction to grant a prohibitory or mandatory injunction, either preliminary or permanent, as the facts may warrant.

SEC. 15. Section 42849 of the Public Resources Code is amended to read:

42849. (a) “Threaten” or “threat,” for purposes of this article, means a condition creating a substantial probability of harm, when the probability and potential extent of harm make it reasonably necessary to take immediate action to prevent, reduce, or mitigate damages to persons, property, natural resources, or the public health or safety.

(b) If the board finds either an imminent threat to public health, safety, or the environment, or a threat, as defined by subdivision (a), the board may conduct an emergency meeting to determine the legal, enforcement, cleanup, or other necessary actions that may be taken to correct that imminent threat or threat. Such a finding by the board shall be deemed to be an “emergency situation” for purposes of, and in addition to the situations described in, Section 11125.5 of the Government Code.

SEC. 15.5. Section 42866 of the Public Resources Code is repealed.

SEC. 16. Section 42885 of the Public Resources Code is amended to read:

42885. (a) For purposes of this section, “California tire fee” means the fee imposed pursuant to this section.

(b) (1) (A) On and before December 31, 2006, every person who purchases a new tire, as defined in subdivision (g), shall pay a California tire fee of one dollar (\$1.00) per tire.

(B) On and after January 1, 2007, every person who purchases a new tire, as defined in subdivision (g), shall pay a California tire fee of seventy-five cents (\$0.75) per tire.

(2) The retail seller shall charge the retail purchaser the amount of the California tire fee as a charge that is separate from, and not included in, any other fee, charge, or other amount paid by the retail purchaser.

(3) The retail seller shall collect the California tire fee from the retail purchaser at the time of sale and may retain 3 percent of the fee as reimbursement for any costs associated with the collection of the fee. The retail seller shall remit the remainder to the state on a quarterly schedule for deposit in the California Tire Recycling Management Fund, which is hereby created in the State Treasury.

(c) The board, or its agent authorized pursuant to Section 42882, shall be reimbursed for its costs of collection, auditing, and making refunds associated with the California Tire Recycling Management Fund, but not to exceed 3 percent of the total annual revenue deposited in the fund.

(d) The California tire fee imposed pursuant to subdivision (a) shall be separately stated by the retail seller on the invoice given to the customer at the time of sale. Any other disposal or transaction fee charged by the retail seller related to the tire purchase shall be identified separately from the California tire fee.

(e) Any person or business who knowingly, or with reckless disregard, makes any false statement or representation in any document used to comply with this section is liable for a civil penalty for each violation or, for continuing violations, for each day that the violation continues. Liability under this section may be imposed in a civil action and shall not exceed twenty-five thousand dollars (\$25,000) for each violation.

(f) In addition to the civil penalty that may be imposed pursuant to subdivision (e), the board may impose an administrative penalty in an amount not to exceed five thousand dollars (\$5,000) for each violation of a separate provision or, for continuing violations, for each day that the violation continues, on any person who intentionally or negligently violates any permit, rule, regulation, standard, or requirement issued or adopted pursuant to this chapter. The board shall adopt regulations that specify the amount of the administrative penalty and the procedure for imposing an administrative penalty pursuant to this subdivision.

(g) For purposes of this section, “new tire” means a pneumatic or solid tire intended for use with on-road or off-road motor vehicles, motorized equipment, construction equipment, or farm equipment that is sold separately from the motorized equipment, or a new tire sold with a new or used motor vehicle, including the spare tire, construction equipment, or farm equipment. “New tire” does not include retreaded, reused, or recycled tires.

SEC. 17. Section 42885.5 is added to the Public Resources Code, to read:

42885.5. (a) The board shall adopt a five-year plan, which shall be updated every two years, to establish goals and priorities for the waste tire program and each program element.

(b) On or before July 1, 2001, and every two years thereafter, the board shall submit the adopted five-year plan to the appropriate policy and fiscal committees of the Legislature. The board shall include, in the plan, programmatic and fiscal issues including, but not limited to, the hierarchy used by the board to maximize productive uses of waste and used tires and the performance objectives and measurement criteria used by the board to evaluate the success of its waste and used tire recycling program. Additionally, the plan shall describe each program element’s effectiveness, based upon performance measures developed by the board, including, but not limited to, the following:

(1) Enforcement and regulations relating to the storage of waste and used tires.

(2) Cleanup, abatement, or other remedial action related to tire stockpiles throughout the state.

(3) Research directed at promoting and developing alternatives to the landfill disposal of tires.



(4) Market development and new technology activities for used tires and waste tires.

(5) The waste and used tire hauler program and manifest system.

(c) The board shall base the budget for the California Tire Recycling Act and program funding on the plan.

SEC. 18. Section 42889 of the Public Resources Code is amended to read:

42889. Funding for the waste tire program shall be appropriated to the board in the annual Budget Act in a manner consistent with the five-year plan adopted and updated by the board. The moneys in the fund shall be expended for the payment of refunds under this chapter and for the following purposes:

(a) To pay the administrative overhead cost of this chapter, not to exceed 5 percent of the total revenue deposited in the fund annually, or an amount otherwise specified in the annual Budget Act.

(b) To pay the costs of administration associated with collection, making refunds, and auditing revenues in the fund, not to exceed 3 percent of the total revenue deposited in the fund, as provided in subdivision (b) of Section 42885.

(c) To pay the costs associated with operating the tire recycling program specified in Article 3 (commencing with Section 42870).

(d) To pay the costs associated with the development and enforcement of regulations relating to the storage of waste tires and used tires. The board shall consider designating a city, county, or city and county as the enforcement authority of regulations relating to the storage of waste tires and used tires, as provided in subdivision (c) of Section 42850. If the board designates a local entity for that purpose, the board shall provide sufficient, stable, and noncompetitive funding to that entity for that purpose, based on available resources, as provided in the five-year plan adopted and updated as provided in subdivision (a) of Section 42855.5. The board may consider and create, as appropriate, financial incentives for citizens who report the illegal disposal of waste tires and used tires as a means of enhancing local and statewide waste tire and used tire enforcement programs.

(e) To pay the costs of cleanup, abatement, removal, or other remedial action related to tire stockpiles throughout the state, including, all approved costs incurred by other public agencies involved in these activities by contract with the board. Not less than six million five hundred thousand dollars (\$6,500,000) shall be expended by the board during each of the following fiscal years for this purpose: 2001–02 to 2006–07, inclusive.

(f) To make studies and conduct research directed at promoting and developing alternatives to the landfill disposal of tires.

(g) To assist in developing markets and new technologies for used tires and waste tires. The board's expenditure of funds for purposes

of this subdivision shall reflect the priorities for waste management practices specified in subdivision (a) of Section 40051.

(h) To pay the costs associated with implementing and operating a waste tire and used tire hauler program and manifest system pursuant to Chapter 19 (commencing with Section 42950).

(i) To pay the costs to create and maintain an emergency reserve, which shall not exceed one million dollars (\$1,000,000).

(j) To pay the costs of cleanup, abatement, or other remedial action related to the disposal of used whole tires in implementing and operating the Farm and Ranch Solid Waste Cleanup and Abatement Grant Program established pursuant to Chapter 2.5 (commencing with Section 48100) of Part 7.

(k) To pay the costs associated with the preparation of a report by the Office of Environmental Health Hazard Assessment, in consultation with the State Air Resources Board, the Integrated Waste Management Board, and the State Department of Health Services, that includes, at a minimum, the major chemical constituents of smoke from burning tires, the toxicity of those chemicals, and the potential effects on human health from exposure to smoke from the tire fires. The report shall be submitted to the Governor, the Legislature, and the board by December 21, 2001. The cost of preparing this report shall not exceed one hundred fifty thousand dollars (\$150,000).

SEC. 19. Section 42889.1 of the Public Resources Code is amended to read:

42889.1. Every two years, in conjunction with the State Budget submitted to the Legislature pursuant to Section 12 of Article IV of the California Constitution, the board shall submit to the appropriate legislative policy and fiscal committees a plan that describes the grants, loans, contracts, and other expenditures proposed to be made by the board under the tire recycling program.

SEC. 20. Section 42889.3 is added to the Public Resources Code, to read:

42889.3. On or before January 1 of each year, the Department of Transportation shall report to the Legislature and the board on the use of waste tires in transportation and civil engineering projects during the previous five years, including, but not limited to, the approximate number of tires used every year, and the types and location of these projects.

SEC. 20.5. Section 42889.4 is added to the Public Resources Code, to read:

42889.4. On or before January 1 of each year, the State Air Resources Board, in conjunction with air pollution control districts and air quality management districts, shall submit an annual report to the Governor, the Legislature, and the board summarizing the types and quantities of air emissions, if any, from facilities permitted to burn tires during the previous year.

SEC. 21. Section 42950 of the Public Resources Code is amended to read:

42950. For purposes of this chapter, the following definitions apply:

(a) “Agricultural purposes” means the use of waste tires as bumpers on agricultural equipment or as a ballast to maintain covers or structures at an agricultural site.

(b) (1) “Altered waste tire” means a waste tire that has been baled, shredded, chopped, or split apart. “Altered waste tire” does not mean crumb rubber.

(2) “Alteration” or “altering,” with reference to a waste tire, means an action that produces an altered waste tire.

(c) “Applicant” means any person seeking to register as a waste tire hauler.

(d) “Baled tire” means either a whole or an altered tire that has been compressed and then secured with a binding material for the purpose of reducing its volume.

(e) “Common carrier” means a “common carrier,” as defined in Section 211 of the Public Utilities Code.

(f) “Crumb rubber” means rubber granules derived from a waste tire that are less than or one-quarter inch or six millimeters in size.

(g) “Repairable tire” means a worn, damaged, or defective tire that is retreadable, recappable, or regrooveable, or that can be otherwise repaired to return the tire to use as a vehicle tire, and that meets the applicable requirements of the Vehicle Code and Title 13 of the California Code of Regulations.

(h) “Scrap tire” means a worn, damaged, or defective tire that is not a repairable tire.

(i) “Tire derived product” means material that meets both of the following requirements:

(1) Is derived from a process using whole tires as a feedstock. A process using whole tires includes, but is not limited to, shredding, crumbing, or chipping.

(2) Has been sold and removed from the processing facility.

(j) “Used tire” means a tire that meets all of the following requirements:

(1) The tire is no longer mounted on a vehicle but is still suitable for use as a vehicle tire.

(2) The tire meets the applicable requirements of the Vehicle Code and of Title 13 of the California Code of Regulations.

(3) (A) The used tire is stored by size in a rack or a stack, but not in a pile, in a manner approved by the local fire marshal and vector control authorities and in accordance with the state minimum standards.

(B) A used tire stored pursuant to this section shall be stored in a manner to allow the inspection of each individual tire.

(k) “Waste tire” means a tire that is no longer mounted on a vehicle and is no longer suitable for use as a vehicle tire due to wear, damage, or deviation from the manufacturer’s original specifications. A waste tire includes a repairable tire, scrap tire, and altered waste tire, but does not include a tire derived product, crumb rubber, or a used tire that is organized for inspection and resale by size in a rack or a stack in accordance with subdivision (j).

SEC. 22. Section 42951 of the Public Resources Code is amended to read:

42951. (a) Every person who engages in the transportation of waste or used tires shall hold a valid waste and used tire hauler registration, unless exempt as specified in Section 42954.

(b) A registered waste and used tire hauler shall only transport waste or used tires to a facility that is permitted by the board or exempted pursuant to this division to accept waste and used tires, or to a facility that lawfully accepts waste or used tires for reuse or disposal.

SEC. 23. Section 42952 of the Public Resources Code is amended to read:

42952. Except as provided in Section 42954, any person engaged in transporting waste or used tires shall comply with all of the following requirements:

(a) The person shall be registered as a waste and used tire hauler with the board.

(b) The person shall not advertise or represent himself or herself as being in the business of a waste and used tire hauler without being registered as a waste and used tire hauler by the board.

SEC. 24. Section 42953 of the Public Resources Code is amended to read:

42953. Any person who gives, contracts, or arranges with another person to transport waste or used tires shall utilize only a person holding a valid waste and used tire hauler registration from the board, unless the hauler is exempt as specified in Section 42954.

SEC. 25. Section 42954 of the Public Resources Code is amended to read:

42954. (a) A person who hauls waste or used tires is exempt from registration under this chapter if at least one of the following conditions is met:

(1) The person is a solid waste collector operating under a license or franchise from any local government and transports fewer than 10 waste or used tires at any one time.

(2) The person transports fewer than 10 waste or used tires at any one time.

(3) The person is the United States, the State of California, or any county, city, town, or municipality in the state, except when vehicles the public agency owns or operates are used as a waste and used tire carrier for hire.

(4) The waste or used tires were inadvertently mixed or commingled with solid waste and it is not economical or safe to remove or recover them.

(5) The vehicle originated outside the boundaries of the state and is destined for a point outside the boundaries of the state, if no waste or used tires are loaded or unloaded within the boundaries of the state.

(6) The person is hauling waste or used tires for agricultural purposes. However, notwithstanding Section 42961.5, a person hauling waste or used tires for agricultural purposes shall carry a manifest from the generator in the vehicle during transportation, which may be destroyed after delivery.

(7) The waste or used tires were hauled by a common carrier who transported something other than waste or used tires to an original destination point and then transported waste or used tires on the return part of the trip, and the revenue derived from the waste or used tires is incidental when compared to the revenue earned by the carrier.

(8) The person is transporting waste or used tires to an amnesty day event or to a legal disposal site and has received written authorization from the local enforcement agency specifying conditions for that hauling for one day.

(9) The person complies with any additional conditions for exemption, as approved by the board.

(b) Any person who transports tires in violation of subdivision (b) of Section 42951 shall not be exempt pursuant to subdivision (a).

SEC. 26. Section 42955 of the Public Resources Code is amended to read:

42955. An application for a new or renewed waste and used tire hauler registration shall be made on a form approved by the board. The application shall include, but not be limited to, all of the following:

(a) A vehicle description, vehicle identification number, vehicle license number, and the name of the registered vehicle owner for each vehicle used for transporting waste or used tires.

(b) The business name under which the hauler operates, and the business owners' name, address, and telephone number.

(c) Other business names under which the hauler operates.

(d) A bond in favor of the State of California in the amount of ten thousand dollars (\$10,000). Proof of bond renewal shall be submitted with the application for annual renewal of a waste and used tire hauler registration.

(e) Any additional information required by the board.

SEC. 27. Section 42956 of the Public Resources Code is amended to read:

42956. (a) Upon approval of an application submitted pursuant to Section 42955, the board shall issue a waste and used tire hauler

registration to be carried in the vehicle and a waste and used tire hauler decal to be permanently affixed to the lower right hand corner of the windshield.

(b) Any person who operates a vehicle or who authorizes the operation of a vehicle that transports 10 or more tires without a valid and current waste and used tire hauler registration, as issued by the board pursuant to Section 42955, shall be subject to the enforcement actions specified in Article 4 (commencing with Section 42962).

(c) The waste and used tire hauler registration shall be presented upon demand of an authorized representative of the board.

SEC. 28. Section 42958 of the Public Resources Code is amended to read:

42958. The initial waste and used tire hauler registration issued pursuant to this chapter shall be valid from the date of issuance to January 1 of the subsequent calendar year. Subsequent renewals shall be valid for one calendar year. The registration shall be renewed prior to its expiration.

SEC. 29. Section 42959 of the Public Resources Code is repealed.

SEC. 30. Section 42960 of the Public Resources Code is amended to read:

42960. (a) The board may suspend, revoke, or deny a waste and used tire hauler registration for a period of up to three years, by filing an accusation in accordance with the procedures of Sections 11505 to 11519, inclusive, of the Government Code, if the holder of the registration does any of the following:

(1) Commits more than three violations of, or fails to comply with any requirements of, this chapter or Chapter 16 (commencing with Section 42800), or the regulations adopted pursuant to those provisions, within a one year period.

(2) Commits, aids, or abets any violation of this chapter or Chapter 16 (commencing with Section 42800), or the regulations adopted pursuant to those provisions, or permits an agent to do so, and the board determines that the violation poses an immediate threat of harm to public safety or to the environment.

(3) Commits, aids, or abets a failure to comply with this chapter or Chapter 16 (commencing with Section 42800), or the regulations adopted pursuant to those provisions, or permits an agent to do so, and the board determines that the failure to comply shows a repeating or recurring occurrence or that the failure to comply may pose a threat to public health or safety or the environment.

(4) Commits any misrepresentation or omission of a significant fact or other required information in the application for a waste and used tire hauler registration or commits any misrepresentation or omission of fact on any manifest more than three times in one year.

(b) The board may suspend, revoke, or deny a waste and used tire hauler registration for a period of three years to five years, or may suspend, revoke, or deny a waste and used tire hauler registration

permanently, in accordance with the procedures specified in subdivision (a), under any of the following circumstances:

(1) The hauler's registration has been previously revoked or denied for any violation specified in subdivision (a).

(2) The hauler has been previously fined pursuant to this chapter or Chapter 16 (commencing with Section 42800).

(3) The board determines that the hauler's operations pose a significant threat to public health and safety.

SEC. 31. Section 42961.5 of the Public Resources Code is repealed.

SEC. 32. Section 42961.5 is added to the Public Resources Code, to read:

42961.5. (a) For purposes of this chapter, "California Uniform Waste and Used Tire Manifest" means a shipping document signed by a generator of waste or used tires, a waste and used tire hauler, or the operator of a waste or used tire facility that contains all of the information required by the board, including, but not limited to, an accurate measurement of the number of tires being shipped, the type or types of the tires, the date the shipment originated, and the origin and intended final destination of the shipment.

(b) Any person generating waste or used tires that are transported or submitted for transportation, for offsite handling, altering, storage, disposal, or for any combination thereof, shall complete a California Uniform Waste and Used Tire Manifest, as required by the board. The generator shall provide the manifest to the waste and used tire hauler at the time of transfer of the tires. Each generator shall submit to the board, on a quarterly schedule, a legible copy of each manifest. The copy submitted to the board shall contain the signatures of the generator and the waste and used tire hauler. If approved by the board, in lieu of submitting a copy of each manifest used, a generator may submit an electronic report to the board meeting the requirements of Section 42814.

(c) (1) Any waste and used tire hauler registered as required by subdivision (a) of Section 42951 shall have the California Uniform Waste and Used Tire Manifest in his or her possession while transporting waste or used tires. The manifest shall be shown upon demand to any representative of the board, any officer of the California Highway Patrol, or any local public officer designated by the local enforcement agency.

(2) Any waste and used tire hauler hauling waste or used tires for offsite handling, altering, storage, disposal, or any combination thereof, shall complete the California Uniform Waste and Used Tire Manifest as required by the board. The waste and used tire hauler shall provide the manifest to the waste or used tire facility operator who receives the waste or used tires for handling, altering, storage, disposal, or any combination thereof. Each waste and used tire hauler shall submit to the board, on a quarterly schedule, a legible copy of each manifest. The copy submitted to the board shall contain the

signatures of the generator and the facility operator. If approved by the board, in lieu of submitting a copy of each manifest used, a generator may submit an electronic report to the board meeting the requirements of Section 42814.

(d) Each waste or used tire facility operator that receives waste or used tires for handling, altering, storage, disposal, or any combination thereof, that was transported with a manifest pursuant to this section, shall submit copies of each manifest provided by the waste and used tire hauler to the board and the generator on a quarterly schedule. The copy submitted to the board shall contain the signatures of each generator, each transporter, and the facility operator. If approved by the board, in lieu of submitting a copy of each manifest used, a facility operator may submit an electronic report to the board meeting the requirements of Section 42814.

(e) The board shall develop and implement a system for auditing manifests submitted to the board pursuant to this section, for the purpose of enforcing this section. The board or its agent shall continuously conduct random sampling and matching of manifests submitted by any person generating waste or used tires, hauling waste or used tires, or operating waste or used tire facilities, to assure compliance with this section.

SEC. 33. Section 42962 of the Public Resources Code is amended to read:

42962. (a) Any person who does any of the following shall be liable for a civil penalty not to exceed twenty-five thousand dollars (\$25,000) for each violation of a separate provision or for continuing violations for each day that violation continues:

(1) Intentionally or negligently violates any permit, rule, regulation, standard, or requirement issued or adopted pursuant to this chapter.

(2) Knowingly, or with reckless disregard, makes any false statement or representation in any application, manifest, record, report, permit, or other document filed, maintained, or used for purposes of compliance with this chapter.

(b) Liability under subdivision (a) may be imposed in a civil action.

(c) In addition to the civil penalty that may be imposed pursuant to subdivision (a), the board may impose civil penalties administratively in an amount not to exceed five thousand dollars (\$5,000) for each violation of a separate provision or for continuing violations for each day that violation continues, on any person who intentionally or negligently violates any permit, rule, regulation, standard, or requirement issued or adopted pursuant to this chapter. The board shall adopt regulations that specify the procedures and amounts for the imposition of administrative civil penalties pursuant to this subdivision.

SEC. 34. Section 42963 of the Public Resources Code is amended to read:

42963. This chapter, or any regulations adopted pursuant to Section 42966, is not a limitation on the power of a city, county, or district to impose and enforce reasonable land use conditions or restrictions on facilities that handle waste or used tires in order to protect the public health and safety or the environment, including preventing or mitigating potential nuisances, if the conditions or restrictions do not conflict with, or impose less stringent requirements than, this chapter or those regulations. However, this chapter, including any regulations that are adopted pursuant to Section 42966, is intended to establish a uniform statewide program for the regulation of waste and used tire haulers that will prevent the illegal disposal of tires, but which will not subject waste and used tire haulers to multiple registration or manifest requirements. Therefore, any local laws regulating the transportation of waste or used tires are preempted by this chapter.

SEC. 35. Section 48100 of the Public Resources Code is amended to read:

48100. (a) The Legislature hereby finds and declares that illegal disposal of solid waste on property owned by innocent parties is a longstanding problem needing attention and that grants provided under this chapter will support the cleanup of farm and ranch property.

(b) On or before January 1, 1999, the board shall establish a farm and ranch solid waste cleanup and abatement grant program under which cities and counties may seek financial assistance for the purposes of cleaning up and abating the effects of illegally disposed solid waste pursuant to this chapter.

(c) (1) The Farm and Ranch Solid Waste Cleanup and Abatement Account is hereby created in the General Fund and may be expended by the board, upon appropriation by the Legislature in the annual Budget Act, for the purposes of this chapter.

(2) The following funds shall be deposited into the account:

(A) Money appropriated by the Legislature from the Integrated Waste Management Fund or the California Used Oil Recycling Fund to the board for the grant program, or from the California Tire Recycling Management Fund to the board for the purposes set forth in subdivision (j) of Section 42889.

(B) Notwithstanding Section 16475 of the Government Code, any interest earned on the money in the account.

(3) The board may expend the money in the account for both of the following purposes:

(A) To pay the costs of implementing this chapter, which costs shall not exceed 7 percent of the funds available for the grant program.

(B) To make payments to cities and counties for grants authorized by this chapter.

(4) Upon authorization by the Legislature in the annual Budget Act, the sum of all funds transferred into the account from other funds or accounts shall not exceed one million dollars (\$1,000,000) annually.

(5) Notwithstanding any other provision of law, the grant program shall be funded from the following funds:

(A) The Integrated Waste Management Fund.

(B) The California Tire Recycling Management Fund, for the purposes set forth in subdivision (j) of Section 42889.

(C) The California Used Oil Recycling Fund.

SEC. 36. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

